

## Message Text

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PAGE 01 BERN 03451 140755Z

12  
ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 L-03 FTC-01 COME-00 TRSE-00

JUSE-00 CIAE-00 INR-11 NSAE-00 RSC-01 DRC-01 /054 W  
----- 015880

R 131700Z SEP 74  
FM AMEMBASSY BERN  
TO SECSTATE WASHDC 9551  
INFO AMCONSUL ZURICH

LIMITED OFFICIAL USE BERN 3451

E.O. 11652: N/A  
TAGS: ETRD, US, SZ  
SUBJECT: ANTITRUST: FTC/NESTLE CASE

REF: STATE 195913

1. E/C COUNSELOR MET WITH AMBASSADOR JACOBI OF SWISS  
DIVISION OF COMMERCE SEPTEMBER 11 TO DISCUSS REFTEL.  
JACOBI WELCOMED INFORMATION AND CHARACTERIZED FTC  
CHAIRMAN ENGMAN'S MEETING WITH NESTLE OFFICIALS  
SEPTEMBER 5 AS "MOST POSITIVE DEVELOPMENT".

2. JACOBI SAID THAT DIVISION OF COMMERCE HAS SUB-  
MITTED TO FEDERAL COUNCIL DRAFT RESPONSE TO PARLIA-  
MENTARY POSTULAT (NON-BINDING RESOLUTION) OFFERED BY  
NATIONAL COUNCILOR EISENRING (AND 17 OTHERS) RE FTC/  
NESTLE CASE, JUDICIAL ASSISTANCE TREATY, AND UNSPECI-  
FIED DISCRIMINATION AGAINST SWISS FIRMS IN US (BERN  
2160 AND 1176). PROPOSED RESPONSE ARGUES THAT THERE  
IS NO DISCRIMINATION AGAINST SWISS FIRMS UNDER APPLICA-  
TION US DOMESTIC LAW; SWISS SUBSIDIARIES IN US ENCOUNTER  
NO SPECIAL PROBLEMS; GOS HAS FOLLOWED FTC/NESTLE CASE  
AND HAS HAD CONTACT WITH USG AUTHORITIES; AND THERE IS  
AND SHOULD BE NO RELATIONSHIP BETWEEN PROPOSED RATIFICA-  
TION JUDICIAL ASSISTANCE TREATY WHICH IS IN MUTUAL  
INTEREST SWITZERLAND AND US AND UNRELATED QUESTION OF  
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SWISS INVESTMENT IN US. FOLLOWING FEDERAL COUNCIL

APPROVAL OF PROPOSED RESPONSE, WRITTEN SUBMISSION WILL BE  
MADE TO PARLIAMENT AND MATTER WILL BE DEBATED ONLY IF  
REQUESTED BY MEMBER OF NATIONAL COUNCIL AT TIME POSTULAT  
APPEARS ON AGENDA. JACOBI NOTED THAT NO DIRECT REFERENCE  
WOULD BE MADE TO FTC DECISION NOTED REFTL ALTHOUGH THIS  
ACTION WOULD BE EXTREMELY HELPFUL AND WAS APPRECIATED.  
PERCIVAL

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** BUSINESS MERGERS, COURTS, INVESTIGATIONS, FOREIGN INVESTMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 13 SEP 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** kelleyw0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974BERN03451  
**Document Source:** CORE  
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**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Office:** ACTION EB  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
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**Page Count:** 2  
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**Reference:** STATE 195913  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** kelleyw0  
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**Review Content Flags:**  
**Review Date:** 18 JUN 2002  
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30 JUN 2005

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**Review Release Date:** n/a  
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**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** ANTITRUST: FTC/NESTLE CASE  
**TAGS:** ETRD, US, SZ  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005